

2016 Regular Session

SENATE BILL NO. 210

BY SENATOR BARROW

HEALTH SERVICES. Provides relative to behavioral health services. (gov sig)

AN ACT

To amend and reenact R.S. 40:2154, relative to behavioral health services rendered to specialty courts; to exempt from licensure requirements providers furnishing behavioral health services to certain specialty courts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2154 is hereby amended and reenacted to read as follows:

§2154. Applicability

A. The provisions of this Part shall not apply to the licensing of any of the following facilities or persons and shall not be construed as requiring any of the following facilities or persons to seek licensure as a behavioral health services provider:

(1) Hospitals licensed under R.S. 40:2100 et seq.

(2) Crisis receiving centers licensed under R.S. 40:2180.11 et seq.

(3) Nursing homes licensed under R.S. 40:2009.3 et seq.

(4) Psychiatric residential treatment facilities or therapeutic group homes licensed under R.S. 40:2009.

1 (5) Facilities or services operated by the federal government.

2 (6) Federally qualified health care centers certified by the federal
3 government.

4 (7) Community mental health centers certified by the federal government.

5 (8) Home- and community-based service providers licensed under R.S.
6 40:2120.1 et seq.

7 (9) An individual Licensed Mental Health Professional (LMHP), whether
8 incorporated or unincorporated, or a group practice of LMHPs, providing services
9 under the auspices of and pursuant to the scope of the individual's license or group's
10 licenses.

11 (10) An individual licensed physician, or a group of licensed physicians,
12 providing services under the auspices of and pursuant to the scope of the individual's
13 license or group's licenses.

14 (11) An individual licensed physician assistant, or a group practice of
15 licensed physician assistants, providing services under the auspices of and pursuant
16 to the scope of the individual's license or group's licenses.

17 (12) School-based health clinics/centers that are certified by the Department
18 of Health and Hospitals, office of public health, and enrolled in the Louisiana
19 Medicaid Program.

20 (13) A health care provider or entity solely providing case management or
21 peer support services, or a combination thereof.

22 (14) A health care provider that meets all of the following criteria:

23 (a) Was an accredited mental health rehabilitation provider enrolled in the
24 Louisiana Medicaid Program as of February 28, 2012.

25 (b) Was enrolled with the statewide management organization for the
26 Louisiana Behavioral Health Partnership as of March 1, 2012.

27 (c) Maintains continuous, uninterrupted accreditation through an approved

1 accreditation organization.

2 (d) Maintains continuous, uninterrupted enrollment with the statewide
3 management organization for the Louisiana Behavioral Health Partnership.

4 (15) An individual licensed advanced practice registered nurse, or a group
5 practice of licensed advanced practice registered nurses, providing services under the
6 auspices of and pursuant to the scope of the individual's license or group's licenses.

7 (16) Rural health clinics licensed under R.S. 40:2197.

8 (17) Facilities or services operated by the Department of Public Safety and
9 Corrections, corrections services.

10 (18) Facilities or services operated for the sole purpose of providing
11 substance abuse or mental health services to courts that are recognized and certified
12 by the Louisiana Supreme Court as specialty courts.

13 **B. Nothing in this Part shall be construed to authorize any person to**
14 **provide behavioral health services unless the person is licensed, certified,**
15 **registered or credentialed as provided in state law, and the services rendered**
16 **are in accordance with all applicable laws, rules, professional training and**
17 **ethical standards.**

18 Section 2. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

The original instrument was prepared by Mary Dozier O'Brien. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

SB 210 Reengrossed

DIGEST
2016 Regular Session

Barrow

Present law provides for exceptions relative to facilities operated solely to provide substance abuse or mental health services to specialty courts.

Proposed law provides that the provisions of this Part shall not be considered to permit the

provision of behavioral health services by persons who are not properly licensed, certified, registered or credentialed.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:2154)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that the exception is for a person, not for a facility.
2. Clarifies that the exemption applies to a person that is credentialed.
3. Makes technical corrections.

Senate Floor Amendments to engrossed bill

1. Specifies that the exemption pertains only to the provision of behavioral health services.
2. Technical amendments.